

TORRE, LENTZ, GAMELL, GARY & RITTMASER, LLP

ATTORNEYS AT LAW

100 JERICO QUADRANGLE, SUITE 309
JERICO, NEW YORK 11753-2702

Mark S. Gamell
mgamell@tlgr.com

TELEPHONE: (516) 240-8900
FACSIMILE: (516) 240-8950

April 29, 2016

BY ECF AND E-MAIL

Honorable Andrew L. Carter, Jr.
United States District Judge
United States District Court
500 Pearl Street, Room 725
New York, NY 10007
ALCarterNYSDChambers@nysd.uscourts.gov

Re: Civil Action No.: 12-cv-08365 (ALC)
Bankruptcy Case No. 01-42217 (REG)
In re: Ames Department Stores, Inc., et al., Debtors
Ames Department Stores, Inc. v.
Lumbermens Mutual Casualty Company, in Liquidation

Dear Judge Carter:

We represent the Illinois Director of Insurance as Liquidator of the defendant Lumbermens Mutual Casualty Company. We write in response to the letter to your Honor by counsel for plaintiff Ames Department Stores, Inc. dated April 28, 2016.

Lumbermens sees no basis for Ames' request for a "status conference in order to discuss the best method of advancing the case," in which significant cross-motions addressing serious jurisdictional issues of first impression have been fully submitted to your Honor and are awaiting oral argument. We understand oral argument will be scheduled at such time as your Honor has had an opportunity to review the jurisdiction motions *de novo* in light of the Report And Recommendations of the Bankruptcy Court, Lumbermens' objections and Ames' response. Ames' letter appears to Lumbermens to be nothing more than an attempt to induce this court to "rush to judgment" concerning the very substantial issues presented by the pending cross-motions.

However, Lumbermens has no objection to Ames' suggestion (in the first and final sentences of its letter) that this matter be referred to Chief Magistrate Freeman for a settlement conference.

Respectfully submitted,


Mark S. Gamell

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cc (via ECF and Email): Bijan Amini, Esq.
 Avery Samet, Esq.